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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/990,331  | 11/23/2001  | Benoist Sebire       | 017.40863X00        | 2285             |
| 20457   | 7590        | 01/28/2005           | EXAMINER            |                  |
| ANTONELLI, TERRY, STOUT & KRAUS, LLP<br>1300 NORTH SEVENTEENTH STREET<br>SUITE 1800<br>ARLINGTON, VA 22209-9889 |             |                      |                     | CHO, HONG SOL    |
| ART UNIT  |             | PAPER NUMBER         |                     |                  |
|   |             |                      |                     | 2662             |

DATE MAILED: 01/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 09/990,331             | SEBIRE, BENOIST     |  |
|                              | Examiner<br>Hong Cho   | Art Unit<br>2662    |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 14 September 2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 21-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 21-34 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Amendment***

1. The following is a response to the amendments filed on 09/14/2004.

Claims 1-20 were canceled. Claims 21-34 are pending in the instant application.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
3. Claims 21-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krishnarajah et al (US 2003/0081592), hereinafter referred to as Krishnarajah in view of Larzon et al (UDP Lite for Real Time Multimedia Application), hereinafter referred to as Larzon.

Re claims 21-23, Krishnarajah discloses identifying a first part of a packet and a second part of the payload of said packet; classifying one of said first part as being more important and classifying said second part as being less important; and transmitting said more important part of said packet on a different bearer than said less important part of said packet (paragraph [0036-0038]). Krishnarajah fails to expressly disclose wherein

said classifying is based on data in a checksum coverage field of said UDP packet. However, Larzon discloses dividing UDP packet into sensitive and insensitive parts based on coverage field (section 2. 1, Basic Design). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Krishnarajah to get the benefit of Larson to divide UDP packet into sensitive and insensitive parts based on coverage field to provide better service of real time multimedia application.

Re claim 24, Krishnarajah discloses transmitting more important part using stronger error protection scheme (channel coding) than error protection scheme (channel coding) for said less important part (paragraph [0036-00382]).

Re claims 25 and 26, Krishnarajah discloses receiving said packet from a multimedia network at a UMTS system (paragraph [0032]).

Re claim 27, Krishnarajah discloses transmitting said first and second part of the packet over a radio access network to a mobile terminal (paragraph [0049]-[0054]).

Re claims 28-30, Krishnarajah discloses identifying a first part of a packet and a second part of the payload of said packet; classifying one of said first part as being more important and classifying said second part as being less important; and transmitting said first part using a first type of error protection scheme (channel coding), and transmitting said second part comprising transmitting said second part using a second type of error protection scheme (channel coding), said first type of error protection scheme (channel coding) being greater than said second type of error protection scheme (channel coding, paragraph [0036-0038]). Krishnarajah fails to expressly disclose wherein said classifying is based on data in a checksum coverage field of said UDP packet. However, Larzon

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discloses dividing UDP packet into sensitive and insensitive parts based on coverage field (section 2. 1, Basic Design). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Krishnarajah to get the benefit of Larson to divide UDP packet into sensitive and insensitive parts based on coverage field to provide better service of real time multimedia application.

Re claim 31, Krishnarajah discloses receiving said packet from a multimedia network (paragraph [0032]).

Re claim 32, Krishnarajah discloses an apparatus to communicate a packet, said apparatus including structure to identify a first part of said packet and a second part of said packet, and structure to transmit said first part of said packet across a radio access network using a first radio bearer and to transmit said second part of said packet across said radio access network using a second radio bearer (paragraph [0036-0038J]).

Krishnarajah fails to expressly disclose wherein said classifying is based on data in a checksum coverage field of said UDP packet. However, Larzon discloses dividing UDP packet into sensitive and insensitive parts based on coverage field (section 2. 1, Basic Design). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Krishnarajah to get the benefit of Larson to divide UDP packet into sensitive and insensitive parts based on coverage field to provide better service of real time multimedia application.

Re claim 33, Krishnarajah discloses wherein said structure is provided in a mobile terminal (paragraph [0049]).

Re claim 34, Krishnarajah discloses wherein said structure is provided in said radio access network so as to transmit said first part and said second part to a mobile terminal (paragraph ([0049]).

***Response to Arguments***

4. Applicant's arguments with respect to claims 21-34 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
  - (US 2002/0071432) to Soderberg et al
  - US Patent (5923649) to Raith
  - US Patent (6788675) to Yang
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hong Cho whose telephone number is 571-272-3087. The examiner can normally be reached on Mon-Fri during 7 am to 4 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on 571-272-3088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3088.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hong Cho  
Patent Examiner  
1-13-2005



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